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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [FR](#)
SUBJECT: FRANCE -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHÉ

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

- [1](#)1. This is an action cable; see paras 5 through 7 and 10.
- [1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.
- [1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of France of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of France and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not precede the Secretary's release at 10:00 am EDT on June 16.
- [1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.
- [1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of France of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.
- [1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of France,s country narrative in the 2009 TIP Report:

France (TIER 1)

France is a destination country for women and girls trafficked for the purposes of sexual exploitation from Romania, Bulgaria, Albania, Nigeria, Sierra Leone, Cameroon, and Malaysia and other Asian countries. Men, women and children continued to be trafficked for the purposes of forced labor, including domestic servitude, many from Africa. Often their employers are diplomats who enjoy diplomatic immunity, including those from Saudi Arabia. The government estimates that of the 15,000 to 18,000 women in France,s

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commercial sex trade, the majority) possibly 10,000 to 12,000) are likely victims of sex trafficking. The government identified 1,002 trafficking victims in 2007, of which 76 percent were foreigners. There is a significant number of Romanian minors in France, many of whom are vulnerable to trafficking. Many traffickers evade law enforcement detection by acquiring fake Sudanese passports to claim asylum or acquire fake Romanian passports to avoid visa requirements. The Committee Against Modern Slavery reported that there were 164 cases of forced labor in France in 2008.

Reports continued of trafficking from Brazil to the French overseas territory of French Guiana. There are also a number of young women in prostitution from Haiti and the Dominican Republic in French Guiana, some of whom may be vulnerable to trafficking. There is evidence some Chinese laborers in French Guiana may be in conditions of forced labor. French authorities there reported that they regularly investigate sex work cases to identify potential trafficking victims, though none have been identified.

The Government of France fully complies with the minimum standards for the elimination of trafficking. The French government took steps to improve its overall coordination on trafficking and provided training to improve identification and protection of trafficking victims.

Recommendations for France: Increase efforts to put to use France,s anti-trafficking statute; enhance collection and compilation of law enforcement data on trafficking ; ensure trafficking victims are not inappropriately penalized solely for unlawful acts as a result of being trafficked; establish a formal national referral mechanism and procedures for victim identification among vulnerable populations, such as those in prostitution, domestic and other labor sectors; follow-through on plans to create a more victim-centered approach to trafficking in France, including measures to ensure victims who denounce their traffickers are provided with adequate safety and support; and intensify investigations of potential trafficking cases in French Guiana and report on assistance provided to identified victims.

Prosecution

The Government of France demonstrated progress in its efforts to investigate, prosecute, convict, and sentence trafficking offenders. France prohibits trafficking for both sexual and labor exploitation through Article 225 of its penal code,

which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for rape. The Ministry of Interior dismantled 30 trafficking networks in France in 2008. The Ministry of Justice reported that 19 individuals were convicted in France under anti-trafficking laws in 2007, the latest year for which official prosecution data is available. All 19 were serving jail time of up to seven years. French officials continued to rely almost exclusively on anti-pimping provisions of the country's penal code to investigate and prosecute suspected sex trafficking offenses. They also prosecuted labor trafficking offenders under other statutes. During the reporting period, the government trained some 200 prosecutors to make better use of France's anti-trafficking law instead of relying primarily on anti-pimping laws to address sex trafficking offenses. In October 2008, the French government created a joint anti-trafficking unit with Belgian law enforcement counterparts, reportedly the first of its kind within the EU.

Officials in French Guiana reported two trafficking investigations in the territory during the reporting period, one involving the possible forced labor of Chinese victims and the other a sex trafficking case involving a Brazilian minor. There were no reported prosecutions or convictions of trafficking offenders in French Guiana during the reporting period.

Protection

The Government of France demonstrated progress in the protection of trafficking victims during the reporting period. In November, the Minister of Justice announced an additional \$14.7 million in support for victim protection for 2009. The government provided training to law enforcement personnel to increase their identification of potential trafficking victims and created and distributed pocket-sized cards containing victim identification guidelines to border police and NGOs in 2008. In 2008, the French government continued implementation of its 2003 Domestic Security law that allowed for arrest and fining of potential sex trafficking victims for passive solicitation.⁸ Out of 1,072 women in prostitution arrested for soliciting, 881 were foreigners and identified by the government as likely trafficking victims. The government of France reported they

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were not charged or imprisoned; it is unknown whether or not the government referred them to service providers for assistance. NGOs and international experts continued to criticize the government's lack of a proactive approach to identifying trafficking victims. According to NGOs, including Amnesty International, trafficking victims are treated as offenders, arrested, and charged for soliciting prostitution, and foreign victims are likely deported. According to an Amnesty International Report, some victims of trafficking have been accused of living off immoral earnings, alongside their traffickers. The government has challenged the report's findings. NGOs complained that the government did not employ systematic efforts to ensure victims access to shelter and services provided by NGOs through a formal referral process.

The national government and city of Paris continued to fund NGOs providing a network of services and shelter for trafficking victims. In cases in which victims were repatriated to their home country, the government worked with the relevant government to ensure safety and medical care. The French government provided witness protection services and issued one-year residency cards, which can be renewed every subsequent six months, to victims of trafficking who cooperated with authorities in the investigation and prosecution of traffickers. The national government did not provide data on the total number of victims given shelter and assistance or the number that received residence cards in 2008. NGOs claim that some trafficking victims who denounced

their traffickers were never granted residency papers, or received very provisional residency permits and were offered no protection from retaliation. In 2008, Paris police reported issuance of 92 residency permits to undocumented migrants believed to have been victims of trafficking. The government provided funding to victims, including a monthly stipend of \$464, as well as medical care, legal counsel, shelter, and psychological counseling. The Government of France formally assists trafficking victims seeking return to their countries of origin, though only five percent usually decide to do so.

The government made some progress on renewing a bilateral agreement with Romania to continue cooperation on the protection, return, and reintegration of Romanian unaccompanied minors, but has not yet ratified this 2007 agreement.

National and local authorities in French Guiana indicated a sensitivity to allegations that individuals have been forced into prostitution or in labor sectors, including illegal mining, but to date have identified only two possible cases of trafficking.

Prevention

The Government of France continued to fund trafficking prevention campaigns in association with NGOs during the reporting period, including an NGO awareness campaign aimed at reducing the demand for commercial sex acts. In 2008, the government sponsored a nationwide conference to bring together law enforcement officials and NGOs to improve cooperation and communication in protecting victims and preventing trafficking. In December 2008, the government established a multi-disciplinary working group to create a national action plan on the protection of trafficking victims. OCRTEH (Central Office for the Repression of Trafficking in Persons) continued to serve as the government's operational and political focal point on trafficking. The government provided all French military personnel with general training on trafficking during their basic training. There was also a three-week general training given to French military personnel before their deployment abroad for international peacekeeping missions.

The government provided funding for an NGO to place several advertisements in French weekly and travel magazines warning possible sex tourists against engaging in sex with minors. In August 2008, authorities arrested and indicted a high school professor on charges related to child sex tourism committed in Burma and Thailand. In March 2009, two men were convicted in a French court on child sex tourism charges stemming from their acts in Cambodia and Thailand; the court handed them the maximum penalty of seven years in prison. Sex tourism from French Guiana to Oiapoque and other destinations in Brazil has been reported.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

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(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the

United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and

systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor

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protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why was France given a rank of Tier 1?

A: The Government of France fully complies with the minimum standards for the elimination of trafficking.

Q2: What progress has France made in the past year?

The French government took steps to improve its overall coordination on trafficking and provided training to improve identification and protection of trafficking victims.

Q3: What can France do to improve its fight against trafficking in persons?

To improve its anti-trafficking performance, the French government could: increase efforts to put to use France's anti-trafficking statute; enhance collection and compilation of law enforcement data on trafficking; ensure trafficking victims are not inappropriately penalized solely for unlawful acts as a result of being trafficked; establish a formal national referral mechanism and procedures for victim identification among vulnerable populations, such as those in prostitution, domestic and other labor sectors; follow-through on plans to create a more victim-centered approach to trafficking in France, including measures to ensure victims who denounce their traffickers are provided with adequate safety and support; and intensify investigations of potential trafficking cases in French Guiana and report on assistance provided to identified victims.

12. The Department appreciates posts, assistance with the preceding action requests.

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